

IN THE U.S. PATENT AND TRADEMARK OFFICE

U.S. Patent Application S.N. 10/771,714

Confirmation No. 4133

Title: FLEXIBLE ILLUMINATION DEVICE FOR SIMULATING NEON LIGHTING

Inventor(s): CLEAVER et al.

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Group Art Unit: 2885

Examiner: SAWHNEY, HARGOBIND S.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Enclosed as part of this Information Disclosure Statement is Form 1449B which cites certain prior art references that have come to the attention of iLight Technologies, Inc., the owner of all right, title and interest to the present application.

With respect to the prior art references identifying George R. Hulse as an inventor ("Hulse Patents"), Applicants do not believe that any of these references are material to the prosecution of the present application. However, iLight Technologies, Inc. is currently litigating infringement lawsuits against Tivoli, LLC and Fallon Luminous Products Corporation, alleging infringement of U.S. Patent Nos. 6,592,238, 6,953,262; and 7,188,970:

iLight Technologies, Inc. v. Fallon Luminous Products Corporation,
U.S. District Court for the Middle District of Tennessee, Case. No. 2:06-0025

iLight Technologies, Inc. v. Tivoli LLC,
U.S. District Court for the Middle District of Tennessee, Case. No. 2:06-0026

In connection with such litigation, at least one defendant has insisted that the failure to disclose the Hulse Patents in prosecuting the patent applications that matured into the patents in suit was a breach of the duty of disclosure. Since the present application includes similar subject matter, Applicants are citing these references in an exercise of caution, while maintaining that the Hulse Patents are not material.

Finally, Applicants have cited two German patents on Form 1449B – DE 297 06 201 and DE 298 03 723. Although Applicants do not have English translations of these prior art references, Applicants understand each of these references to generally describe the use of a series of surface mounted LED (SMD-LED) elements that are coupled and illuminate to a housing. DE 297 06 201 does have an English-language equivalent – U.S. Patent No. 6,173,517, which is also cited on Form 1449B.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Nagle, Jr.", with a stylized flourish at the end.

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